

Amendment No. 1 to HB1842

Halford
Signature of Sponsor

AMEND Senate Bill No. 2121

House Bill No. 1842*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-211-814(b), is amended by deleting subdivision (2) and substituting:

(2)

(A) An applicant for a permit for construction or expansion of a solid waste disposal facility or incinerator shall submit a copy of the application to the region at or before the time the application is submitted to the commissioner. The region shall review the application for compliance with this section, and shall conduct a public hearing after public notice has been given in accordance with title 8, chapter 44, prior to making the determination provided for in this subdivision (b)(2). The hearing must afford all interested persons an opportunity to submit written and oral comments, and the proceeding must be recorded and transcribed. The region shall render a decision on the application within ninety (90) days after receipt of a complete application. The region shall immediately notify the commissioner of its acceptance or rejection of an application. If no decision is rendered by the region on the application within ninety (90) days after receipt of a complete application, then the commissioner may continue processing of the application.

(B) The region may reject an application for a new solid waste disposal facility or incinerator or expansion of an existing solid waste disposal facility or incinerator within the region only upon determining that the application is

inconsistent with the solid waste management plan adopted by the county or region and approved by the department, and the region shall document in writing the specific grounds on which the application is inconsistent with such plan.

(C)

(i) Appeal of a final action of the region under this subdivision (b)(2) must be made by an aggrieved person within thirty (30) days to the chancery court of Davidson County. The court shall exercise the same review as it would in a case arising under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. For the purposes of this section, an "aggrieved person" is limited to a person applying for permits, a person who owns property or lives within a three-mile radius of the facility or site that is proposed for permitting, or cities or counties in which the proposed facility is located.

(ii) A permit that is the subject of an appeal made to the chancery court of Davidson County within the time prescribed in subdivision (b)(2)(C) must not be:

(a) Processed by the commissioner until there is a final adjudication of the appeal on the merits; or

(b) Issued in contravention of the final adjudication on the merits.

(D) If an aggrieved party does not appeal a final action of the region in accordance with subdivision (b)(2)(C), then the commissioner may issue the permit unless the commissioner finds that the decision of the region to reject the application is arbitrary and capricious and unsupported in the record developed before the region.

(E) The region shall provide for reasonable public notice of meetings.

The region is subject to title 10, chapter 7, part 5, and shall act in accordance with title 8, chapter 44.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.